

# Notice of Allowability

Application No.

10/655,586

Applicant(s)

RUDDUCK ET AL.

Examiner

Van T. Trieu

Art Unit

2612

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 21 November 2006.
2. ☒ The allowed claim(s) is/are 42-68.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 12/12/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 1/31/07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. **Victor F. Souto**, Registration No. 33,458 on 30 January 2007.

(A) Cancel claim 86.

(B) Cancel claims 69-85 by the applicant amendment and argument filed on 21 November 2006.

(C) A new abstract is provided herewith in a separate sheet.

### ***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance: there are no prior arts teaching or suggesting of a closure for a passageway having one or more walls and a mouth defined by the wall or walls, the closure including: a concertina element having internal folds and external folds, the concertina element being adapted to retain the closure in use in place between the wall or walls and being capable of being unfolded to allow the closure to be removed from the wall or walls, characterized in that the base is closed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Frutin** discloses a bottle closure comprising a valve with an expandable tubular member and a sleeve member surrounding at least a portion of the expandable member. The expandable tubular member comprises a corrugated portion adapted to concertina between the unexpanded and expanded states. [US 6,561,232]

**Sachathamakul et al** discloses an adjustable orientation device for a baby bottle to change the angle relationship between an exit area of the bottle and an exit from an exit orifice coupled with the exit area of the bottle. [US 5,551,583]

**Thornock et al** discloses a method for producing an integral collar, which snap fits onto the uppermost portion of the bottle and a screw-on enclosure. The closure has skirt that includes a pair of interlocking teeth, which resist unscrewing of the closure once the closure has been completely applied to the bottle. [US 5,083,454]

**Lin** discloses a vocal container/bottle cap including a cap portion and a vocal assembly received in the cap portion. When the cap portion is fully closed onto a bottle mount, an elastic switch associated with a movable member of the vocal assembly is pressed against a contact on a circuit board to disable the vocal bottle cap. [US 6,831,552]

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**Martindale et al** discloses a method and apparatus for beverage dispensing control and monitoring comprising a bottle cap is attached to a bottle and a microprocessor positioned in the bottle control cap. [US 5,318,197]

**Schmidt** discloses a cap for opening and extracting the contents of a vessel/bottle provided with a neck and an extraction end closed by the removable attachment connected to the bottle neck by a weakened zone. [US 4,620,638]

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Mike Horabik** can be reached on (571) 272-3068.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal stroke extending to the right.

**Van Trieu**  
**Primary Examiner**  
**Date: 1/31/07**

**ABSTRACT (New)**

The invention provides in a first aspect a closure (10) for a passageway such as a bottleneck. The closure (10) has a concertina element (16). When the concertina element (16) is released, the closure (10) can be removed from the passageway. The concertina element (16) may have folds (18), including compressible folds, may be in the form of a spiral. In a further aspect, the invention provides a second aspect a closure (110), which has a processing (132). The processing (132) may include a computer chip (134), is adapted to receive or convey various types of data, such as characteristics of the contents of the container closed by the closure (10). The first and second aspects may be combined.